

PLANNING COMMISSION MINUTES OF FEBRUARY 13, 2006

2005-1159 – Justin Mozart [Applicant] **Joe Torres** [Owner]: Application for related proposals on a 12,900 square-foot site located at **444 South Taaffe Street** (near W Olive Ave) in a DSP-12 (Downtown Specific Plan/Block 12) Zoning District. (APN: 209-28-050) JM;

- **Special Development Permit** to allow the construction of four new single-family homes,
- **Tentative Map** to subdivide one lot into four lots.

Jamie McLeod, Associate Planner, presented the staff report. Ms. McLeod noted a correction to Condition of Approval (COA) 7.B. requesting the wording “impervious pavers” be changed to “pervious pavers.” She said the applicant held a neighborhood outreach meeting, resulting in an e-mail sent to staff from neighbors recommending approval of the project contingent on the architecture remaining consistent with the neighboring homes. She said staff is recommending approval with the COAs modified as indicated.

Comm. Klein said one of the issues with this development is the absence of a Homeowners Association (HOA). Ms. McLeod said HOAs are only required with developments of five or more units with this development having four units. She said the applicant is suggesting an easement for the driveway which is the only shared property on the site. **Trudi Ryan**, Planning Officer, explained that this development has no common property, just the suggested easement, and a simple driveway maintenance agreement will be satisfactory for the shared property.

Ms. McLeod added that the four units will have individual trash and recycling bins that residents will pull out to the main road lessening the wear and tear on the shared driveway as trash and recycling trucks will not be entering the driveway.

Chair Hungerford asked staff if any of the four proposed homes front South Taaffe Street. Ms. McLeod said that one of the units, Plan 1A, has the front door facing Taaffe.

Chair Hungerford opened the public hearing.

Justin Mozart, applicant with Peninsula Communities, said he appreciates the opportunity to present this development that will complete the existing neighborhood. He thanked staff for assistance with the project. He said a neighborhood meeting was held on February 9, 2006 at the Sunnyvale Community Center and that the applicant received positive support from those

who attended the meeting. He also submitted to the Commission, three additional letters of support from the neighbors. He asked that the Commission adopt the staff recommendation approving the project which will complete the development of the area (Block 12).

Kelly Adams, a resident of Sunnyvale, said that her house backs up to the back of the left lot of this development, and her only concern with the development is the layout of Plan 3. She said she would prefer that Plan 4 be the layout that is directly behind her house as the proposed Plan 3 layout would look directly into her living space. She said changing the Plan layout from 3 to 4 would not change the consistency of the development with the rest of the area. She said if Plan 3 is built behind her house she will have a loss of privacy. She also requested that the height of current fence be maintained for privacy.

Victor Ng-Thow-Hing, a resident of Sunnyvale, said he lives directly behind this development and would be sharing a back fence with the proposed property. He said what he originally liked about his home was the relative open feeling, open view, privacy and a view with the Heritage Trees. He said he attended the meeting on February 9, 2006 and discussed his concerns with Mr. Mozart. He said his concerns include that the new buildings seem too close to the fence, are two stories rather than one, that there is a proposed increase in density and the removal of the heritage trees. He believes the effects the development will have on him include reduced privacy, altered views and the potential reduction of sunlight on his property. He said some of the possible suggestions discussed were to add trees or landscape to preserve privacy, and referring to COA 6.E. regarding the shared fence, that he would like the height of the fence plus any lattice work to be maintained. He would also like to make sure that the new development bedroom windows and his bedroom windows do not face each other. He said ideally he would like to see a lower density design.

Mr. Mozart commented about the concerns of the neighbors. He said he and his colleague looked into the logistics of flipping Plan 3 and Plan 4 and it would require flipping the front units also. He said he had also discussed with Ms. Adams the possibility of using trees to help mitigate some of the privacy issues. He commented that the homes are the same distance from the fence as the surrounding development. Mr. Mozart said the density is increased because the lot is slightly smaller than the rest of the lots. He said he discussed the fence situation with Mr. Ng-Thow-Hing and assured him that the fence would be maintained with no debris being left on his property during construction and that the fence would be put back up retaining the same quality and height.

Chair Hungerford asked Mr. Mozart if there was enough space to put trees at the back of the development to act as buffer. Mr. Mozart said yes, but that they would not be mature trees to start out with, and that he invited the neighbors to sit in on the meetings with the arborist.

Comm. Simons asked Mr. Mozart about using trees as a hedge. He said if the goal of privacy is met through different types of bushes rather than trees then possibly that would be a good alternative because when the trees grow it could create a problem. Comm. Simons asked if there had been any discussion with the neighbors about trees and hedges. Mr. Mozart said that he had only talked to the neighbors about trees and not hedges.

Ms. Ryan said there are some trees that have a hedge effect and that there may be a way to select species of trees that can meet that requirement.

Chair Hungerford closed the public hearing.

Comm. Simons made a motion for **Alternative 2 to approve the Special Development Permit and Tentative Map with modified conditions; to modify COA 7.H. to read "...with a specimen native tree, large species, as appropriate for the site of at least 36-inch box size."** **Comm. Simons** added **COA 7.L.**, "Trees or bushes are to be included as appropriate to mitigate privacy concerns." Ms. Ryan suggested alternate wording to read, **"Use landscaping to address the privacy concerns along the rear property line."** **Comm. Simons** agreed with the suggested language. **Comm. Sulser** seconded.

Comm. Simons commented that the only other thing he might have considered adding to the motion would be to add the lattice requirement, but he can understand the goal of keeping the fences consistent. He said it is his concern that the language be written to meet the goals rather than to try and solve the privacy issues and to let staff work with the applicant to solve the privacy issues. He said it is nice to see a consistent project go through and that this development will finish the project that is being converted.

Comm. Sulser said he happy to support the motion and that it makes sense to complete the block and match the other developments.

Vice Chair Fussell offered a **Friendly Amendment as suggested by staff, to modify COA 7.B. replacing the word "impervious" with "pervious" regarding the type of decorative paving for the shared driveway. The Friendly Amendment was acceptable to the maker and the seconder of motion.**

Final Action:

Comm. Simons made a motion on 2005-1159 to approve the Special Development Permit and Tentative Map with modified conditions; to modify COA 7.H. to read "...with a specimen native tree, large species, as appropriate for the site of at least 36-inch box size."; to add COA 7.L., "Use landscaping to address the privacy concerns along the rear property line."; to modify COA 7.B. replacing the word "impervious" with "pervious" regarding the type of decorative paving for the shared driveway. Comm. Sulser seconded.

Motion carried unanimously, 6-0.

This item is appealable to City Council no later than February 28, 2006.